

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect 1.5 storey outbuilding, erect gate to existing vehicle access, erect wall and fencing, create additional vehicle access and alter landscaping to south west boundary.

LOCATION: La Maison Haute, Rue Des Eturs, Castel.

APPLICANT: Mr & Mrs G Cooper

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 10/02/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 02/01/2025 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Mark Frampton & Company: 2023/ 655 / 11.

Application Ref: FULL/2025/0022

Property Ref: D007320000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Within four weeks of the new access being formed the timber gates hereby approved shall be installed to the existing vehicular access.

Reason - In the interests of visual amenity.

5.Within four weeks of the new access being formed the end of the new opening shall be finished in accordance with the details shown on the approved drawing.

Reason - In the interests of visual amenity and highway safety.

Expiry Date: This permission will cease to have effect on 10/02/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this decision permits the erection of a detached domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as La Maison Haute. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the

development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/0022
Property Ref: D007320000
Valid date: 02/01/2025
Location: La Maison Haute Rue Des Eturs Castel Guernsey GY5 7DX
Proposal: Erect 1.5 storey outbuilding, erect gate to existing vehicle access, erect wall and fencing, create additional vehicle access and alter landscaping to south west boundary.

Applicant: Mr & Mrs G Cooper

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Within four weeks of the new access being formed the timber gates hereby approved shall be installed to the existing vehicular access.

Reason - In the interests of visual amenity.

5. Within four weeks of the new access being formed the end of the new opening shall be finished in accordance with the details shown on the approved drawing.

Reason - In the interests of visual amenity and highway safety.

INFORMATIVES

For the avoidance of doubt, this decision permits the erection of a detached domestic outbuilding to be used as an integral part of and incidental to the principal dwelling presently known as La Maison Haute. It does not permit the creation of a separately occupied annex or an independent dwelling. This would require a separate grant of planning permission and involve different planning policy considerations.

OFFICER'S REPORT

Brief Description of the site:

La Maison Haute, Rue Des Eturs is a detached dwelling situated to the north of the road, with open and undeveloped land, used for grazing horses to the east. A scattering of residential properties exist to the south of the road, on the junction with Rue A Gots.

The dwelling is two-storeys in height with decorative pitched roof dormers in the front roofslope. A subservient, one and a half-storey extension/wing with a dormer is situated to the east of the dwelling whilst a lean-to conservatory is situated to the west.

Vehicular access serving the site is located to the immediate west of the dwelling with an area of hardstanding for parking and turning located in the west side garden of the property. An existing, low outbuilding is situated behind established landscaping on the site, north of the existing parking area. The roadside boundary is marked by an earthbank with timber fence behind and, closer to the house and parking area, mature hedgerow.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

FULL/2024/0193 – Install dormer windows to south (front) elevation, dormer windows and rooflight to north (rear) elevation, install Juliet balcony to west (side) gable - granted

FULL/2022/0302 - Erect fence to south-west boundary – granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation

☒

accords with policy

☒

within curtilage

☒

design acceptable

☒

visual amenity acceptable

☒

no material neighbour impact

☒

traffic not affected

☒

Policies considered most relevant:

GP1: Landscape Character and Open Land

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

IP9: Highway Safety, Accessibility and Capacity

Conclusion/Brief comment:

The Island Development Plan makes provision for the erection of ancillary domestic outbuildings to meet the needs of the occupiers of a dwelling.

The proposed outbuilding and external materials proposed represents a good standard of design that respects the character of the local built environment. The hipped roof design will help reduce its overall scale and bulk thereby reducing its impact in the streetscene in line with Policies GP8 and GP13 of the Island Development Plan.

The building is situated away from residential neighbours and will not result in overshadowing or overlooking to the occupiers of surrounding dwellings.

The building is proposed to serve as a garage/carport and store at ground floor level, with “recreational attic space” proposed above, served by an external staircase. Dormers are proposed in both the front and rear roof slopes of the outbuilding, with

windows facing the proposed driveway area and across to the main house, c. 11m away. The position of the building has been carefully considered by the applicant to ensure sufficient off-road parking and turning is available whilst ensuring connectivity and reasonable access between the outbuilding and main house. The proximity between the main house and outbuilding, with fenestration as proposed, is such that an element of mutual overlooking would occur. It is considered to be well related to the main house, for ancillary domestic purposes and would not engage other planning policy considerations. It is recommended that, for the avoidance of any doubt, an informative is included on any permission to ensure that the accommodation remains ancillary to the main dwellinghouse.

The proposed access gates to the existing vehicular access are proposed to be timber, representing a good standard of design and meeting the aims of Policy GP8. The gates would result in vehicles pausing in the public highway whilst they are opened however the submission outlines that this access will become secondary to the new access proposed, to be used occasionally and by large vehicles needing access to the site. Vehicles stopped in the highway briefly would not unacceptably impede the free flow of traffic nor have an unacceptable impact on highway safety.

The proposed vehicular access is shown as 4m wide with splays to either side, and landscaping to provide visibility splays onto the highway. The submission also sets out the shortcomings and safety issues associated with the existing access (to be gated and secondary). The proposals represent a good standard of design that respect the local built and open landscape concerned. The access represents an improvement over the existing situation at the site in terms of highway safety and the aims of Policy IP9. Conditions can be imposed relating to the installation of the gates when the new access is formed.

It is reasonable to consider the effect of forming the new access but if the outbuilding proposed were not constructed. There are clear shortcoming associated with the existing vehicular access and subject to a condition relating to the gates proposed for the existing access it would not be reasonable to require the proposed access to only be formed in connection with the proposed outbuilding. Conditions regarding the completion of the approved access in accordance with the agreed details would be reasonable in order to conserve the character and appearance of the locality.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

In view of the above it is recommended permission is granted.

Recommendation:

Grant with Conditions



Date: 04/02/2025

